

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2007 has been entered.

Claims 15–30, 32, 35 and 37–40 are pending and being examined.

Maintained Formal Matters, Objections, and/or Rejections:

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15–16, 19–21, 23–25, 27–30, 32, 35, and 37–40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross (U. S. Publication No. 20060067933) in view of Bram (WO 98/39361) and Yu (WO 98/18921).

Claims 15 and 25–26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross in view of Bram and Yu as applied to claims 15, 25, and 35 above, and further in view of Nocka (U. S. Patent No. 5,525,708).

Claims 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross in view of Bram and Yu as applied to claim 15 above, and further in view of Creighton (1984).

5 Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross in view of Bram and Yu as applied to claim 15 above, and further in view of Alberts (1983) and Hu (U. S. Patent No. 5,932,540).

10 Claims 15 and 17–18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross in view of Bram and Yu and further in view of Alberts (1983) and Hu (U. S. Patent No. 5,932,540) as applied to claims 15 and 17 above and further in view of Ullman (U. S. Patent No. 5,340,716).

Response to Arguments

15 It is acknowledged that applicants are in the process of preparing a declaration under 37 C.F.R. § 1.131 to antedate the prior art and are also possibly going to provide a petition under 37 C.F.R. § 1.47.

Conclusion

No claims are allowable.

20 All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action

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after the filing of a request for continued examination and the submission under 37 CFR 1.114.

See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

5 MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, 10 will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15 ANY INQUIRY CONCERNING THIS COMMUNICATION OR EARLIER COMMUNICATIONS FROM THE EXAMINER SHOULD BE DIRECTED TO DAVID S. ROMEO WHOSE TELEPHONE NUMBER IS (571) 272-0890. THE EXAMINER CAN NORMALLY BE REACHED ON MONDAY THROUGH FRIDAY FROM 9:00 A.M. TO 5:30 P.M. IF ATTEMPTS TO REACH THE EXAMINER BY TELEPHONE ARE UNSUCCESSFUL, THE EXAMINER'S SUPERVISOR, MANJUNATH RAO, CAN BE REACHED AT (571)272-0939.

IF SUBMITTING OFFICIAL CORRESPONDENCE BY FAX, APPLICANTS ARE ENCOURAGED TO SUBMIT OFFICIAL CORRESPONDENCE TO THE CENTRAL FAX NUMBER FOR OFFICIAL CORRESPONDENCE, WHICH IS (571) 273-8300.

20 CUSTOMERS ARE ALSO ADVISED TO USE CERTIFICATE OF FACSIMILE PROCEDURES WHEN SUBMITTING A REPLY TO A NON-FINAL OR FINAL OFFICE ACTION BY FACSIMILE (SEE 37 CFR 1.6 AND 1.8).

25 ANY INQUIRY OF A GENERAL NATURE OR RELATING TO THE STATUS OF THIS APPLICATION OR PROCEEDING MAY BE OBTAINED FROM THE PATENT APPLICATION INFORMATION RETRIEVAL (PAIR) SYSTEM. STATUS INFORMATION FOR PUBLISHED APPLICATIONS MAY BE OBTAINED FROM EITHER PRIVATE PAIR OR PUBLIC PAIR. STATUS INFORMATION FOR UNPUBLISHED APPLICATIONS IS AVAILABLE THROUGH PRIVATE PAIR ONLY. FOR MORE INFORMATION ABOUT THE PAIR SYSTEM, SEE [HTTP://PAIR-DIRECT.USPTO.GOV](http://PAIR-DIRECT.USPTO.GOV). CONTACT THE ELECTRONIC BUSINESS CENTER (EBC) AT 866-217-9197 (TOLL-FREE) FOR QUESTIONS ON ACCESS TO THE PRIVATE PAIR SYSTEM,

30 /DAVID ROMEO/
PRIMARY EXAMINER
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